

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

EDWARD C. KELLER,

Plaintiff,

v.

SIERRA-CEDAR, LLC,

Defendant.

No. 4:22-CV-00013

(Chief Judge Brann)

ORDER

OCTOBER 11, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that Sierra-Cedar's Motion to Dismiss (Doc. 11) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **DENIED** as to Count I;
2. Count II of Keller's Complaint is **DISMISSED WITHOUT PREJUDICE**. If Keller elects to plead over on Count II, he must file an amended pleading by October 25, 2022.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge